

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

JACK VENTON VENABLE, JR.\* CIVIL ACTION NO.  
and WILLIAM AGUIRRE, \* 6:19-cv-00241  
individually and on \*  
behalf of all others \*  
similarly situated \*

Plaintiffs, \* JUDGE SUMMERHAYS

v. \*

SCHLUMBERGER LIMITED \* MAG. JUDGE HANNA  
(SCHLUMBERGER N.V.) fka \*  
SMITH INTERNATIONAL, \*  
INC. \*

Defendant. \*

Deposition via Zoom videoconference of  
BRENT K. KEMP, given in the above-entitled cause,  
pursuant to the following stipulation on Tuesday,  
the 4th day of May, 2021, commencing at 1:08 p.m.  
and concluding at 3:45 p.m.

REPORTED BY:

CHERYL L. OHLMEYER  
CERTIFIED COURT REPORTER

SOUTHERN COURT REPORTERS, INC.  
(504)488-1112

EXHIBIT C

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## S T I P U L A T I O N

It is stipulated and agreed by and between all parties that the deposition of BRENT K. KEMP is hereby being taken pursuant to the Federal Rules of Civil Procedure, in accordance with law, pursuant to notice;

That formalities, such as sealing, certification and filing, are waived. The formalities of reading and signing are not waived.

That all objections, save those as to the form of the questions, are hereby reserved until such time as this deposition, or any part thereof, may be used or sought to be used in evidence.

\* \* \*

CHERYL L. OHLMEYER, Certified Court Reporter in and for the State of Louisiana, officiated in administering the oath to the above-named witness.

\* \* \*

1 BRENT K. KEMP, 29202 Homer Kemp Road,  
2 Franklinton, Louisiana, 70438, the witness named  
3 in the above stipulation, being first duly sworn  
4 in the cause, testified on his oath as follows:

5 THE COURT REPORTER:

6 Will counsel please identify  
7 themselves and their affiliations and also  
8 stipulate that by agreement of all parties this  
9 deposition is being held via videoconferencing  
10 and there is no objection to the witness being  
11 sworn in remotely and further stipulate that  
12 Southern Court Reporters is in no way responsible  
13 for the security of this online proceeding after  
14 which I will swear in the witness?

15 MR. ST. PE':

16 This is Ken St. Pe', counsel for  
17 the plaintiff. I have no objections.

18 MR. PARMET:

19 This is Matt Parmet, also for the  
20 plaintiffs.

21 MR. BOWDLER:

22 And Bryan Bowdler on behalf of  
23 the defendant and no objection as well.

24 - EXAMINATION -

25 BY MR. BOWDLER:

1 Q. Good afternoon, Mr. Kemp. As you  
2 heard, my name is Bryan Bowdler. I'm one of the  
3 attorneys for Smith International in this  
4 lawsuit, and we're here for your deposition this  
5 afternoon, and just to start with, have you ever  
6 given a deposition before today?

7 A. One time approximately early 80's.

8 Q. Okay. So just, you know, sort of  
9 before we get started, you know, sort of a couple  
10 of things to, you know, to I think just keep in  
11 mind as we go forward to try and make things go  
12 as smoothly as possible and as easily as possible  
13 for our court reporter.

14 So just during the deposition today,  
15 I'm going to be asking you a series of questions,  
16 and it's just your job to answer my questions to  
17 the best of your recollection truthfully, and  
18 just, you know, the court reporter just put you  
19 under oath, and do you understand this is the  
20 same oath you would take as if you were  
21 testifying in court?

22 A. Yes.

23 Q. Okay. All right. And our court  
24 reporter is making a transcript of everything  
25 that we say today during your deposition. So

1 when I ask you a question, I'll need you to do  
2 your best to remember to respond verbally in  
3 response to all my questions. While it is very  
4 natural to respond with like a head shake, you  
5 know, a head nod yes or no, just to make sure  
6 that our transcript of your deposition is clear,  
7 if you do respond that way, understandable, but I  
8 just might ask you to clarify and say verbally  
9 yes or no just so it's clear on the record.

10 Okay?

11 A. Yes.

12 Q. Okay. And then, likewise, if you'd  
13 just do your best to avoid answers such a uh-huh  
14 or un-huh, things like that, for the same reason.  
15 They just don't come across clearly, and, again,  
16 likewise, if you do respond to a question that  
17 way, understandable, because it's natural for us  
18 all to do that, but, again, I just might ask you  
19 to clarify for the transcript. I'm not trying to  
20 pick on you or anything like that. Okay?

21 A. I understand.

22 Q. Okay. And then just as she is making a  
23 transcript of everything we say, if you could,  
24 again, do your best to wait till I finish asking  
25 my question all the way through before you begin

1 to answer. Just it's hard for her to take things  
2 down if we're both talking at the same time over  
3 each other, and then, likewise, I'm going to do  
4 my best to let you finish answering all the way  
5 before I ask another question, but if for some  
6 reason I interrupt you inadvertently and you're  
7 not finished, please just let me know and say,  
8 oh, you know, I'm not quite done answering yet,  
9 and you can go ahead and proceed to finish your  
10 answer. Okay?

11 A. Yes.

12 Q. Okay. And during our deposition if you  
13 don't understand any of the questions I ask you  
14 here today because I've done a very bad job  
15 asking a question and it's not clear or, you  
16 know, if the audio cuts out for some reason or I  
17 stumble over my words, you know, please let me  
18 know so I can ask it again and either clarify and  
19 do a better job with making my question clear so  
20 that you can hear it. Okay?

21 A. Okay.

22 Q. Okay. And then, likewise, if I ask you  
23 a question today and you proceed to answer it,  
24 I'm going to assume that you understood my  
25 question fully and that's why you're -- go ahead,



1 and that's why you're answering the question; is  
2 that fair?

3 A. Yes.

4 Q. Okay. And then during the course of  
5 our deposition, your attorneys may object to some  
6 of my questions. Unless they tell you otherwise  
7 after they put their objection on the record, you  
8 can go ahead and answer that question or ask me  
9 for clarification or whatnot. Okay?

10 A. Okay.

11 Q. Okay. And then just lastly, if at any  
12 point today you need or want to take a break,  
13 just let me know, and we'll do so. We're not  
14 here for an endurance competition or anything  
15 like that. So the only thing I would ask is that  
16 if I've asked you a question, I will need you to  
17 go ahead and answer that question, and then we  
18 will go ahead and take a break. Okay?

19 A. Okay.

20 Q. Okay. And then during your deposition  
21 today I will be pulling up and showing you some  
22 documents that we're going to attach as exhibits.  
23 What I'll do is I'll share my screen so you'll be  
24 able to see it there in front of you. So when I  
25 do that, if you need me to scroll up or down,

1 left or right, zoom in, zoom out, you know,  
2 please just let me know what you need so I can,  
3 you know, adjust the image accordingly so you can  
4 read it. Okay?

5 A. Okay.

6 Q. All right. I'm going to go ahead and  
7 pull up and we're going to share. This is a  
8 document we're going to mark as Exhibit 1 and  
9 just attach to your deposition for the record.  
10 This is just -- this is a copy of a Notice of  
11 Deposition that scheduled your deposition for  
12 today at one p.m.

13 All right, and, Mr. Kemp, what, if  
14 anything, did you do in order to prepare for  
15 today's deposition?

16 A. Nothing.

17 Q. Okay.

18 A. I didn't know what you was going to  
19 ask.

20 Q. Sure. Okay. And in a broader than  
21 just preparing for today's deposition, have you  
22 spoken with anyone else other than your attorneys  
23 about this lawsuit?

24 A. No.

25 Q. Okay. And if you would, just if you

1 would state your full name for the record,  
2 please?

3 A. Brent Kerwin Kemp.

4 Q. And, Mr. Kemp, what is your current  
5 home address?

6 A. 29202 Homer Kemp Road, Franklinton,  
7 Louisiana, 70438.

8 Q. Okay. And how long have you lived at  
9 that address?

10 A. Since 1984.

11 Q. And --

12 A. That address a couple of times, but  
13 I've lived there at the same spot.

14 Q. Okay. And I presume you've owned the  
15 property at that location?

16 A. Yes.

17 Q. Okay. And, Mr. Kemp, what is your  
18 current telephone number?

19 A. My home phone is 985-848-2686.

20 Q. Okay. And that number, that's a land  
21 line for your home?

22 A. Yes.

23 Q. Okay. And do you have a cell phone,  
24 Mr. Kemp?

25 A. Yes. It's 985-515-0080.

1 Q. Okay. All right. And, Mr. Kemp, what  
2 is the highest level of degree or diploma that  
3 you've earned, either undergraduate degree, high  
4 school diploma, that sort of thing?

5 A. High school diploma.

6 Q. Okay.

7 A. I have some college, but I didn't  
8 finish.

9 Q. Okay. And in what year did you  
10 graduate from high school?

11 A. 1976.

12 Q. Okay. And what high school did you  
13 attend?

14 A. Pine High School.

15 Q. And where is that located?

16 A. In Pine, Louisiana.

17 Q. Okay. The college courses that you had  
18 taken, what was the school at which you took  
19 those classes?

20 A. Southeastern University.

21 Q. Okay. And other than this lawsuit that  
22 we're here for, have you ever been a party to any  
23 other lawsuits?

24 A. No.

25 Q. And I'm sorry. You broke up a little

1 bit. I didn't quite hear you.

2 A. No.

3 Q. No, okay. Have you ever filed for  
4 bankruptcy, Mr. Kemp?

5 A. No.

6 Q. Okay. And this, for our lawsuit today,  
7 how did you come to learn about this lawsuit?

8 A. I'm trying to think if it was through  
9 word of mouth from somebody in the company that I  
10 worked for. I'm thinking that's what it was.

11 Q. Okay. And do you happen to recall for,  
12 you know, that sort of word-of-mouth discussion  
13 about the lawsuit, do you happen to remember at  
14 all who of the other individuals were that you,  
15 you know, talked with about this lawsuit?

16 A. No.

17 Q. Okay. And, Mr. Kemp, I'm going to  
18 share my screen again, and this is a document  
19 that we're going to mark and attach to your  
20 deposition as Exhibit 2, and, mainly, let me  
21 scroll down here to this third page, and this is  
22 a Consent to Join form to join this lawsuit as a  
23 plaintiff. Do you recall signing this form?

24 A. Yes, sir.

25 Q. Okay. And then just to confirm here on

1 the signature block, that's your signature?

2 A. Yes, sir.

3 Q. Okay. And, Mr. Kemp, what's your  
4 general understanding about the claims that are  
5 being asserted in this lawsuit?

6 A. Just we're asking for the overtime pay  
7 over 40 hours a week that we worked.

8 Q. Okay. And do you have an understanding  
9 as to the allegations of why you and the other  
10 plaintiffs in this case should have received  
11 overtime compensation while working with Smith?

12 A. Just that being more of a laborer, you  
13 know, we're -- supposedly under 40 hours, you're  
14 supposed to get overtime pay.

15 Q. Okay. And just are you aware of any,  
16 you know, documentation that would support your  
17 understanding of why you and the other plaintiffs  
18 should have received overtime while working with  
19 Smith?

20 A. I can't recall the exact document, but  
21 I believe it's in the federal law that states  
22 that.

23 Q. Okay. And then just anything from your  
24 time with Smith such as, you know, just, for an  
25 example, things like a job description or, you

1 know, something like that that would discuss, you  
2 know, sort of what you were doing, your job  
3 duties working for Smith, anything like that that  
4 would -- that you are aware of that would support  
5 your understanding of why you should have been  
6 paid overtime?

7 A. No. I don't think I've seen anything  
8 like that.

9 Q. Okay. And then a somewhat similar  
10 question, are you aware of any other individuals  
11 who might have knowledge about or would support  
12 your understanding of why you and the other  
13 plaintiffs should have been paid overtime during  
14 your time with Smith?

15 A. Ask me that again.

16 Q. Sure. Just anyone that you're aware of  
17 that might have information or knowledge that  
18 would support your understanding of why, you  
19 know, you think the plaintiffs should have  
20 received overtime, you know, people with  
21 knowledge of your job, what you were doing, your  
22 pay, things like that?

23 A. I'm sure the Department of Labor.

24 Q. Okay. And so during your time working  
25 with Smith, it's your belief that you should have

1     been paid overtime for hours worked over 40 in a  
2     work week; is that correct?

3           A.     Yes.

4           Q.     Okay. And prior to signing the form  
5     that we showed and marked as Exhibit 2, did you  
6     do any kind of independent research into the law  
7     that's at issue in this case prior to deciding to  
8     join the lawsuit?

9           A.     No.

10          Q.     Okay. And did you do any kind of  
11     looking into or research about any other lawsuits  
12     against Smith or Schlumberger seeking unpaid  
13     overtime compensation?

14          A.     No.

15          Q.     Okay. And prior to deciding to join,  
16     did you read the complaint that was filed with  
17     the court that initiated this lawsuit?

18          A.     Yes.

19          Q.     You did, okay. And then why did you  
20     decide to join this lawsuit when given the  
21     opportunity?

22          A.     Well, I had, from word of mouth in the  
23     oil industry, I had talked with several people  
24     that other companies for the exact same thing had  
25     to start paying, you know, the overtime that



1 their workers were working.

2 Q. Okay. And when you mentioned the exact  
3 same thing, those were other individuals who were  
4 working and doing essentially the same type of  
5 job that you were doing?

6 A. Yes.

7 Q. Okay. And from those conversations, do  
8 you happen to recall the names of any of the  
9 other companies that you had heard were required  
10 to pay out unpaid overtime?

11 A. I believe it was Halliburton and Baker.

12 Q. Okay. And these were discussions you  
13 were having in the -- were they taking place in  
14 the mid to late 2017 time period, if you recall?

15 A. I haven't -- I just remember the  
16 conversation. I don't remember when they was  
17 taking place.

18 Q. Okay. And when did you first start  
19 working in the oilfield services industry?

20 A. Service industry in 2015, February 28.

21 Q. Okay. And you said just February 2015?

22 A. Yes, February 28, 2015.

23 Q. Okay.

24 A. Oh, excuse me. 2005.

25 Q. 2005, okay. And is that when you

1 started working with Smith in the -- I guess I  
2 know the title has changed over time, but I think  
3 that we know it as a DTR field specialist  
4 position?

5 A. Reamer hand.

6 Q. Okay. And prior to working, going to  
7 work for Smith in 2005, who did you work for  
8 prior to that?

9 A. It was Pride International.

10 Q. Okay. And realizing it's been some  
11 time, just a rough approximate time period of  
12 when you worked with Pride International?

13 A. Yes. Well, it was the same company I  
14 worked for that went through like four buy-outs.  
15 It started in 1980, and then I worked all the way  
16 to 2005. I did take off five years in between  
17 there and did something else, but it was always  
18 the same company.

19 Q. Okay. The same company, they just went  
20 through some different name changes, things like  
21 that?

22 A. Right.

23 Q. Okay. And then looking at I think --  
24 let's just limit to the like 2000-2005 time  
25 period when you were working with Pride

1 International, what was your position and, you  
2 know, what were your job duties? What things  
3 were you doing for them?

4 A. I was a driller.

5 Q. Okay. And then, again, just very  
6 generally kind of a five-thousand-foot view, what  
7 is it that a driller does and what you did sort  
8 of on a day-to-day basis?

9 A. We were doing workovers on wells and  
10 also drilling, just run the rig.

11 Q. Okay. And when you started with Smith  
12 in 2005, were you hired on and started as a  
13 reamer hand, or did you start in a different type  
14 of position?

15 A. No. I was a reamer hand.

16 Q. Okay. And as I understand it, your  
17 employment with Smith ended in the May 2019 time  
18 period; is that correct?

19 A. Yes, May the 4th.

20 Q. Okay. And did you retire or just  
21 voluntarily resign or was it --

22 A. I voluntarily resigned.

23 Q. Okay. Okay. And then just from when  
24 you started until May 2019 when you stopped  
25 working with Smith, were your job duties

1 essentially the same during that whole period? I  
2 guess did you work as a reamer hand, that sort of  
3 thing, the whole time?

4 A. I was a reamer hand, and then let's  
5 see. Around 2007, 2008, I also started running  
6 whipstocks.

7 Q. Okay. And so doing those two types of  
8 jobs or, you know, what you did through the end  
9 of your employment with Smith?

10 A. Yes.

11 Q. Okay. And after May 2019, have you  
12 gone to work for anyone else?

13 A. No.

14 Q. Okay. And how did it come about that  
15 you ended up starting to work for Smith? Was it  
16 kind of a recommendation from someone? Did you  
17 respond to an ad, that sort of thing?

18 A. It was a recommendation from someone.  
19 They were -- actually, a reamer hand was on the  
20 rig running a reamer, and we was out there about  
21 two weeks together, and he had mentioned they was  
22 fixing to hire somebody. The guy didn't show up,  
23 and if I wanted, I could apply for it.

24 Q. Okay. And focusing, if you will, on  
25 the 2014 through 2019 time period when you

1 stopped working with Smith, did you ever work  
2 outside of the United States in that time period?

3 A. No.

4 Q. Okay. And just, again, starting in the  
5 2014 time period, who was your supervisor/manager  
6 in that time-frame?

7 A. I don't even recall.

8 Q. Okay.

9 A. They changed frequently it seemed like.

10 Q. Okay. And so I guess why don't we  
11 maybe -- so in 2019 when your employment ended,  
12 who was your supervisor, direct supervisor, at  
13 that time?

14 A. David Voisin or Visin.

15 Q. Okay.

16 A. And I believe there's another guy in  
17 Houston. I can't remember his name.

18 Q. Okay. And then if you can recall, just  
19 roughly, when did Mr. Voisin start as your  
20 supervisor, if you can remember, just rough time  
21 period?

22 A. He had been on the job, worked out of  
23 Houma, him and another individual, and they were  
24 kind of like co-bosses, and so they strictly did  
25 the Rhino reamers, and when I started running

1 reamers, I guess the Rhinos probably in 2007,  
2 also, maybe late 2006, they supervised those  
3 jobs.

4 Q. Okay. And, again, focusing on the 2014  
5 to 2019, what types of jobs were you primarily  
6 doing? Were you primarily doing reaming jobs,  
7 you know, primarily whipstock or a majority of  
8 one versus the other?

9 A. Probably more reaming jobs with a few  
10 whipstocks thrown in, you know.

11 Q. Okay. And when you were being  
12 supervised by Mr. Voisin, did you have any issues  
13 with Mr. Voisin as a manager/supervisor?

14 A. No. They were helpful.

15 Q. Okay. And then just there are a few  
16 other plaintiffs involved with this lawsuit and,  
17 you know, associated ones, and just if you would,  
18 I'll let you know what their names are and let me  
19 know if you know them, if you've worked with  
20 them, you know, anything like that. And the  
21 first one, it's Jack Venable?

22 A. I've seen the name. I don't know him.

23 Q. Okay. And next a gentleman named  
24 William Aguirre?

25 A. Same thing. I just saw the name. I

1 don't really know the individual.

2 Q. Okay. And how about Charles Myers?

3 A. Yes, sir. I remember Charles. I've  
4 never personally worked with him, but I remember  
5 seeing him in some training that we've done.

6 Q. Okay. Okay. And next is an individual  
7 named Karl Drobish?

8 A. I don't know him.

9 Q. Okay. And then the last name is a  
10 gentleman named Joel Story, and I believe he goes  
11 by Brent, Brent Story?

12 A. Yeah. I know him. I've actually  
13 worked with Brent before.

14 Q. Okay. And when you say worked with  
15 him, you and him worked on a rig together on a  
16 project?

17 A. I believe I relieved him.

18 Q. Okay.

19 A. He may have went on vacation.

20 Q. And when you worked for Smith in this  
21 2014 on time period, you were assigned to I  
22 believe the Broussard, Louisiana, office; is that  
23 correct?

24 A. Yes.

25 Q. Okay. However, you know, when you

1 worked, you would -- typically, you were sent out  
2 to an oil rig either offshore or on land to  
3 actually do your work as a reamer hand, correct?

4 A. Yes.

5 Q. Okay. And then just generally  
6 speaking, where did you work most often in this  
7 time period? Was it offshore in the Gulf, or  
8 were you mainly doing land jobs?

9 A. Probably, I would say offshore in the  
10 Gulf.

11 Q. Okay. And when you worked with Smith,  
12 did you have access to any other employee's  
13 personnel files?

14 A. No.

15 Q. Did you have any access to any other  
16 employee's payroll records?

17 A. No.

18 Q. Were you involved with any discussions  
19 with management or, you know, human resources  
20 about the compensation paid to reamer hands like  
21 yourself?

22 A. No.

23 Q. Do you have any knowledge about how or  
24 what Smith did when it formulated and established  
25 its compensation policies with respect to reamer



1 hands?

2 A. No.

3 Q. Did you have any responsibilities for  
4 ensuring compliance with any wage and hour laws  
5 while you worked for Smith?

6 A. No.

7 Q. Did you receive any training on wage  
8 and hour law compliance when you worked with  
9 Smith?

10 A. No.

11 Q. Okay. Do you have any knowledge or  
12 know about what steps Smith took regarding  
13 complying with wage and hour laws?

14 A. No.

15 Q. When working with Smith, did you ever  
16 have any discussion with anyone about classifying  
17 reamer hands as exempt from overtime  
18 compensation?

19 A. No.

20 Q. Did you have any involvement with  
21 preparing or writing a job description for the  
22 job positions you held while you worked with  
23 Smith?

24 A. No.

25 Q. Are you aware of whether Smith had been

1 -- has been sued in the past with respect to  
2 seeking overtime compensation with respect to  
3 reamer hands?

4 A. No.

5 Q. Are you aware of any lawsuits against  
6 Smith seeking overtime compensation, not just by  
7 reamer hands?

8 A. No.

9 Q. Are you aware of any government  
10 investigations, such as by the Department of  
11 Labor or a state agency, into Smith's  
12 compensation practices?

13 A. No.

14 Q. Do you have any knowledge or  
15 information that Smith had been informed in the  
16 past by a government agency that its compensation  
17 practices violated wage and hour laws?

18 A. No.

19 Q. Okay. All right. And as I understand  
20 it, again, we're focused on this 2014 to 2019  
21 time period, during that time period, your  
22 compensation that you received consisted of two  
23 main components, correct? You received a salary,  
24 and then you also received rig pay, job bonus, et  
25 cetera, for the days you were out working on a

1 rig; is that correct?

2 A. Correct.

3 Q. Okay. And focusing for a moment on the  
4 salary portion of your compensation, other than  
5 things like income taxes, Social Security and  
6 other benefits, you know, 401k, things like that,  
7 were there ever any deductions taken from your  
8 salary, such as, you know, you were suspended for  
9 two days or, you know, you didn't show up to work  
10 for a day or two and your pay was deducted as a  
11 result?

12 A. No.

13 Q. Okay. And during this time, you did  
14 understand that part of your compensation was  
15 made up of a salary, correct?

16 A. Yes.

17 Q. Okay. And your salary, you received  
18 the same salary every week regardless of the  
19 amount that you worked, whether, you know, you  
20 worked at all, worked zero hours, or if you were,  
21 you know, out on a rig for seven days of the  
22 week? Your salary remained the same between  
23 those two, correct?

24 A. Yes. Most of the time we were offshore  
25 or somewhere.

1 Q. Right. And were there any weeks that  
2 you can recall when you did not work and you were  
3 not paid your salary?

4 A. No.

5 Q. And was it your understanding that your  
6 -- the salary portion of your compensation, it  
7 was compensation for all the hours that you  
8 worked in a week regardless of how many it was?

9 MR. ST. PE':

10 Object to the form.

11 THE WITNESS:

12 The salary was I guess to keep me  
13 from going anywhere else. It really wasn't that  
14 high, but if we wasn't on the job, we was  
15 expected to do training, whether it be at home or  
16 here in the Broussard/Lafayette area, that the  
17 oilfield -- the oil companies required.

18 BY MR. BOWDLER:

19 Q. Okay. So in those weeks where, you  
20 know, you were doing training either at home  
21 online or in the office, your salary was paying  
22 you for that time that you spent doing that  
23 training; is that correct?

24 A. Yes. That was our compensation. We  
25 didn't get any extra pay to attend OSHA BOP or

1     whatever.

2           Q.     Just if you recall just kind of off the  
3     top of your head, do you remember what the amount  
4     of your salary was while you were with Smith and,  
5     again, just that 2014 to '19 time period?

6           A.     Probably around 4200 a month maybe.

7           Q.     Okay. And then I'm just going to pull  
8     up and share my screen again, and this is a  
9     document we are going to mark as Exhibit 3 for  
10    your deposition, and what this is is a document  
11    called an Employee Mini File. It's a document  
12    that Smith/Schlumberger maintains for its  
13    employees, and then just turning your attention  
14    down here, there's a box that reads Career  
15    History. Here, let me zoom in a little closer,  
16    and then I'm just going to scroll over a little  
17    bit to the right, and here, there's a column  
18    where it's headed up at the top Base Salary, and  
19    below that it has the amount \$54,700, and just to  
20    the extent you can remember, is that consistent  
21    with what you recall your salary being working  
22    with Smith?

23          A.     Actually, I didn't think it was that  
24    high, but if that's what the records show, yeah,  
25    I guess it is.

1 Q. Okay.

2 (Off-the-record due to technical difficulties).

3 BY MR. BOWDLER:

4 Q. And so, Mr. Kemp, in addition to your  
5 salary, you also received as part of your  
6 compensation a either rig pay or job bonus day  
7 rate as well, correct?

8 A. Yes.

9 Q. Okay. And that was a payment you would  
10 receive for each day you were assigned to working  
11 on a drilling rig, correct?

12 A. Yes.

13 Q. Okay. And it was determined that it  
14 was a flat amount for each day, and then you  
15 would get that flat amount for the number of days  
16 that you were on the rig, correct?

17 A. Correct.

18 Q. And other than being assigned to and  
19 working on a rig, were there any other  
20 requirements or prerequisites you had to meet in  
21 order to receive that compensation?

22 A. As far as training?

23 Q. More along the lines so you had to be  
24 on the rig, but, you know, anything else such as  
25 you're on the rig but you had to work at least

1 five hours a day or it had to be billable to the  
2 client or couldn't be any MPT, things like that,  
3 or was it just you're on the rig, you get it?

4 A. We was -- once we got to the rig, we  
5 was there 24 hours a day, just whenever they  
6 needed us whatever for as far as our tools,  
7 anything to do with the tools that we had.

8 Q. Okay. Did you ever have an occasion  
9 where your supervisor or someone above him or her  
10 said that you weren't going to get the rig pay  
11 for days you were out on the rig for, you know,  
12 for some -- whatever reason?

13 A. No.

14 Q. Okay. And other than days being  
15 assigned to and working out on a rig, were there  
16 any other days or types of work for which you  
17 could earn a similar payment?

18 A. No.

19 Q. And, Mr. Kemp, I'm going to -- I'm  
20 sharing my screen again. I'm going to pull up a  
21 document that we're going to mark as Exhibit #4  
22 to your deposition, and this is a pay statement  
23 of yours for the pay period of December 14, 2014  
24 through December the 27th, 2014, and have you  
25 seen this document prior to today, Mr. Kemp?

1           A.       I've probably seen it. I may or may  
2 not have seen it --

3           Q.       Okay.

4           A.       -- to tell the truth, you know. I did  
5 not see all my paystubs, no.

6           Q.       No. I understand. And then I'm going  
7 to turn your attention to what's essentially in  
8 the second row. Over in the left, it says, you  
9 know, Curr and then YTD and then Gross, Taxes.  
10 Do you know the reference to YTD, that that's a  
11 reference to year to date?

12          A.       Yes.

13          Q.       Okay. And then next to the year to  
14 date and under the gross column where it says  
15 Gross, it has the amount of \$214,044.61, and  
16 then, again, just generally speaking to the  
17 extent you can recall, is that approximately what  
18 you earned in total compensation in 2014?

19          A.       Yes.

20          Q.       Okay. And then just here under this  
21 part, this section where it says Earnings, just  
22 the last line item here, it reads Base Plus  
23 Amount, and do you recall, is that the line item  
24 for the day rate rig pay that we were discussing  
25 a moment ago, if you know?



1 A. Yes.

2 Q. And then there's also a line for STD  
3 Full, and I believe that stands for short-term  
4 disability?

5 A. Maybe.

6 Q. Okay. And so just during your time  
7 with Smith, did you ever go out on disability?

8 A. I'm trying to think. I think I had  
9 carpal tunnel surgery one time.

10 Q. Okay.

11 A. And that may be what it's there for.

12 Q. Okay. And, again, just I understand if  
13 you don't, do you happen to recall the rough time  
14 period when that happened?

15 A. That was prior to this.

16 Q. Okay. And, Mr. Kemp, I'm going to just  
17 pull up again. This is a document we're going to  
18 mark and attach to your deposition as Exhibit 5,  
19 and this is one of your pay statements, and it's  
20 for the pay period of December 13, 2015 through  
21 December 26, 2015, and, again, turning your  
22 attention to the row with YTD and Gross, it lists  
23 an amount of \$208,050.10, and, again, to the  
24 extent you can recall, is that consistent with  
25 what you remember earning total compensation in

1 2015?

2 A. Yes.

3 Q. Okay. And then just here again,  
4 there's a last line under earnings. It refers to  
5 DTR wellsite op bonus. Is that similarly  
6 reflecting payment for the day rate rig pay  
7 aspect of your compensation just kind under a  
8 different name, if you recall?

9 A. I don't recall.

10 Q. Okay.

11 A. I don't know. Like I say, I didn't see  
12 all of them so ...

13 Q. Sure. And, Mr. Kemp, I'm going to pull  
14 up the document we'll mark as Exhibit 6 for your  
15 deposition, and, again, this is one of your pay  
16 statements. It's for the pay period of December  
17 the 11th, 2016 through December the 24th, 2016,  
18 and, again, turning your attention to here with  
19 the gross and year to date, it lists the amount  
20 of \$143,600.10, and to the extent you can  
21 remember, is that consistent with what you recall  
22 earning in total compensation in 2016?

23 A. I guess. I don't recall it but --

24 Q. Okay.

25 A. -- the W-2 says it.

1 Q. Okay.

2 A. It must have been a bad year.

3 Q. So and then just one more, and this is  
4 a document we'll mark as Exhibit 7 for your  
5 deposition, and, again, this is one of your pay  
6 statements, and it's for the pay period of  
7 November 26, 2017 through December 9th, 2017,  
8 and, again, over there under year to date gross  
9 amount, it lists \$149,196.25, and, again, is that  
10 relatively consistent with what you recall  
11 earning in total compensation in 2017?

12 A. Yes. I don't recall it, but that's  
13 what the W-2 says.

14 Q. Okay. Lastly, I'm going to pull up  
15 this is your W-2 for 2018, and here, let me zoom  
16 in for you so it's a little easier to read.  
17 Here, and there's a box number, it says Box 5,  
18 Medicare Wages and Tips, and it lists the amount  
19 of \$165,732.12, and, again, is that -- any reason  
20 to doubt that was around your total compensation  
21 for 2018?

22 A. No reason to doubt it.

23 Q. Okay. And while you were working with  
24 Smith as a reamer hand, did you ever complain or  
25 raise a concern with any of your managers or

1 supervisors about your compensation?

2 A. No.

3 Q. Okay. Did you ever discuss with any of  
4 them your belief that you should have been paid  
5 overtime as a reamer hand?

6 A. No.

7 Q. And so when was it that you formulated  
8 your belief that you should have been paid  
9 overtime when you were working as a reamer hand?

10 A. I don't really recall.

11 Q. And at the time when you were working  
12 with Smith and being paid a salary, plus the day  
13 rate rig pay, did you have any problems with the  
14 way that you were being compensated at that time?

15 A. No. I wasn't in a position I felt like  
16 to say anything, you know.

17 Q. And so did you -- I guess just for me  
18 to clarify then, you felt that there were issues  
19 with how you were being paid, just that you were  
20 not in a position to raise them or --

21 A. I knew there was a lot of hours I was  
22 putting in, but I didn't know what to do to  
23 address the issue, you know.

24 Q. Okay.

25 A. I needed a job more than I needed to

1 make waves.

2 Q. Okay. And then just while you yourself  
3 didn't lodge any complaints or concerns, were you  
4 aware of any other reamer hands who raised  
5 concerns about the method by which they were  
6 being compensated?

7 A. No.

8 Q. Okay. And, again, just kind of  
9 limiting ourselves to the 2014 to 2019 time  
10 period, you were not required to record for Smith  
11 the specific number of hours each day that you  
12 worked; is that correct?

13 A. Correct.

14 Q. But you did, however, keep track of the  
15 specific -- the number of days when you worked,  
16 correct?

17 A. Yeah.

18 Q. Okay. And so if you recall, what was  
19 the method by which that you, you know, kept  
20 track of the days that you worked and reported  
21 that to Smith?

22 A. There was a calendar that you could  
23 keep track of the days that we worked on my  
24 computer, and I had all that information. Then  
25 the computer started messing up. So I brought it

1 to Smith. I think it's -- or one of smith's ITs  
2 for a new computer. He transferred everything  
3 over, except none of the information. I lost  
4 everything --

5 Q. Okay.

6 A. -- from the day one I worked with Smith  
7 until then, and that was right before I left  
8 Smith.

9 Q. Okay. Do you recall in the April/May  
10 2015 time period of using what I believe is an  
11 online portal for recording your days work with  
12 Smith, and I believe it's referred to as load  
13 chart? Do you remember/recall using anything  
14 like that?

15 A. I remember using, yeah, a load chart.  
16 I don't remember how long we actually did it or  
17 when we started.

18 Q. Okay. And if you recall, prior to when  
19 y'all started using the load chart program, how  
20 did you keep track of and report to Smith the  
21 days that you worked?

22 A. If we were still on the job, we called  
23 in and give them the days that we had worked, and  
24 at the end, they got it off the job reports that  
25 were turned in. Supervisors, you know, they kept

1 track of who was working and what.

2 Q. And, perhaps, this is what you had  
3 mentioned earlier. Other than reporting that you  
4 -- reporting your days work to Smith, did you  
5 keep any kind of personal calendar or journal of  
6 the days or hours that you worked?

7 A. I kept personal -- it's just a thing on  
8 my computer that shows what days I was working.

9 Q. Okay. And is that -- that's one of the  
10 things you mentioned as when the computer got  
11 changed over got lost?

12 A. Yes.

13 Q. Okay.

14 A. Fourteen years information.

15 Q. And so, Mr. Kemp, I'm going to share my  
16 screen with you again. I'm going to pull up a  
17 document we'll mark as Exhibit 9 for your  
18 deposition, and this is a report that was  
19 generated through the load chart system, and I  
20 realize it's probably -- it's pretty small and  
21 hard to read. So I'll do my best with, you know,  
22 getting it -- putting it in a legible format for  
23 you, and so what I would like to do is let me  
24 just scroll down a little bit here.

25 All right. And in particular, I'm

1 going to -- on this page here, it's the one if  
2 you look in the lower right-hand corner, and I'm  
3 zooming in, it has the number D-000625 on it, and  
4 I just want to ask a couple of questions. Here  
5 in this column where up at the top it lists time  
6 type, at the start of the page there's listings  
7 for wellsite/job/vessel, and then after a number  
8 of those, there's an entry for on office  
9 base-lab, and I was curious, to the extent you  
10 can remember, what does the entry of on office  
11 base-lab, what does that -- what kind of work did  
12 that reflect? Were you working in the office, or  
13 was it a day you were doing training, things like  
14 that, if you recall? And, again, if you need me  
15 to zoom in, et cetera, just, you know, please let  
16 me know.

17 A. Technically, I don't know. I don't  
18 think I ever worked in the office that much in 14  
19 years. I know I never did do training more than  
20 a day or two at a time.

21 Q. Okay. And -- okay. So you just can't  
22 quite remember what those entries were, like if  
23 you were working or what kind of work you were  
24 doing?

25 A. I don't know what that was for.



1           Q.     Okay. And on these, on the load chart,  
2     do you recall did you ever mark a day or, you  
3     know, fill it out and code it as being on call,  
4     if you recall?

5           A.     No, I don't -- I don't think so. I was  
6     either working or getting paid, you know, to be  
7     working in this time period.

8           Q.     Sure. Sure. And then just -- I  
9     apologize. I'm just going to pull this just back  
10    up, what we marked as Exhibit 9, and, again,  
11    you're looking at this page where it says  
12    D-000619. Again, to the extent you can recall in  
13    here under time type where there's a listing for,  
14    you know, local day off or vacation, if you  
15    recall, were those days on which you were either  
16    -- I guess essentially you were not out on a rig  
17    working?

18          A.     I guess. I really don't know.

19          Q.     Okay. And if you recall when you  
20    started using load chart, did you yourself put in  
21    your day's worked entries, or did someone do it  
22    on your behalf, if you recall?

23          A.     I think somebody did it for us to start  
24    with, and then we had to try to learn how to do  
25    it ourselves.

1 Q. Okay. When would -- the time you were  
2 working as a reamer hand, you didn't have a set  
3 schedule; is that correct?

4 A. Correct. We were on 24/7.

5 Q. Correct. Yeah. My understanding is  
6 right when you would get called out for a job,  
7 and you go out and you would be on the job on the  
8 rig until you were either relieved or the  
9 drilling operations were done, and then you would  
10 come in and it would be wait until you get a call  
11 for another rig to go out to --

12 A. Correct.

13 Q. -- is that correct? Okay. And the  
14 jobs as well, working on the rig, they also were  
15 not necessarily of a set duration? You could be  
16 there a week? You could be there 30 days, just  
17 depended; is that correct?

18 A. Correct. I could be there -- the  
19 longest was 51 days.

20 Q. That's quite a long time. And just if  
21 you would, just on a kind of general overview  
22 sort of big picture view of things, what were  
23 your duties, your day-to-day job duties, as a  
24 reamer hand?

25 A. When we got to the job, we went to the

1 company man to discuss the job coming up, went  
2 checked out our tools, measured them, strapped  
3 them, started the job report, got all the  
4 pictures, got with the drill crew, got links of  
5 drill pipe, drill collars, whatever, casing data  
6 where we would know where the casing points were,  
7 the bottom of the casing, and then it depends on  
8 what rig it was; we would make up the BHA, which  
9 would be the reamer on their drilling assembly.  
10 They would either make it up and rack it back to  
11 have it ready, or when they got ready, we would  
12 pick it up and go in the hole on the deck, you  
13 know. It just depends on if they had the  
14 capability to rack the tools back or not.

15 Then once we went in, they drilled out  
16 the cement, got the reamer below the casing; we  
17 would open it up, and then they would do their  
18 test, and we would start drilling ahead. I would  
19 give the driller prior to this his parameters he  
20 had to stay in of what the tool was capable of  
21 doing, and I was there just observing and writing  
22 down data as they were drilling ahead --

23 Q. Okay.

24 A. -- trying to make sure they stayed  
25 within the parameters and informed -- every day

1 we would have either a call or send reports,  
2 something to the office, let them know what was  
3 going on, if they wanted something different, or  
4 let them know how the tools were reacting.

5 Q. Okay. And going back for a moment, you  
6 mentioned one of the steps after you arriving on  
7 the rig involved making up the BHA of which the  
8 reaming tool was a part of. When -- it was the  
9 rig crew, correct, that did the physical assembly  
10 of the BHA; is that correct?

11 A. Well, it just depends on what rig you  
12 was on. If they operated their equipment, we  
13 would assist them in making it up, you know, if  
14 they needed assistance. Some rigs just aren't  
15 equipped like other rigs. Some rigs you can't  
16 put your hands on anything. Some rigs if you  
17 didn't, it wouldn't get done.

18 Q. Okay. And how often would you say that  
19 you were working on rigs where you had to perform  
20 some of these tasks instead of it being one of  
21 the ones where you said you weren't allowed to  
22 touch any of the operator's equipment?

23 A. Between 60 to 70 percent probably.  
24 There were only a few companies that classified  
25 as hands-off.

1 Q. Okay. And for a moment talking about  
2 your role while drilling operations would be  
3 going on, you mentioned you were there to give  
4 the driller the parameters and make sure that the  
5 driller operated the reamer within those  
6 parameters, correct?

7 A. Yes. I tried to make sure he would  
8 stay within the parameters. Whether they did or  
9 not was their and the company man's choosing, but  
10 if they did -- if they didn't stay within them,  
11 then I made a note of it, reported it back to my  
12 office.

13 Q. Okay. And do you know why you would be  
14 sent out to the rig along with the reaming tool  
15 in order to do what you just mentioned if your  
16 role was during drilling operations to, you know,  
17 observe the driller and do your best to have them  
18 stay within the parameters?

19 A. Well, they just needed somebody there,  
20 because if something went wrong, they would need  
21 somebody to tell them because the oil company  
22 would try to charge them back the time.

23 Q. Okay. And then for that, could you  
24 just, as someone who's never worked in the  
25 oilfield, just could you flesh them out for me

1 just a little bit about sort of some additional  
2 detail about what you mean with that?

3 A. Well, in other words, those drilling  
4 rigs, it's several million dollars a day. So  
5 every hour is, you know, fifty, hundred thousand  
6 dollars an hour. If you got downtime on your  
7 tools, they're going to charge it back to the  
8 company and if they don't stay within our  
9 parameters and then there's no guarantee their  
10 tool's going to make it, you know, and they're  
11 sure not going to tell you they went outside the  
12 parameters.

13 Q. Okay. And so I guess just, and, again,  
14 let me know if I'm, you know, on the same page as  
15 you, so you were there just in case if something  
16 went wrong with the reaming tool, you were there  
17 to say, hey, they were operating outside the  
18 parameters, it's not Smith's fault, we're not  
19 responsible for MPT and/or kind of vice versa; is  
20 that fair?

21 MR. ST. PE':

22 Object to the form.

23 THE WITNESS:

24 I could, you know, just -- like I  
25 said, I'd give them the parameters for them to

1 run our tool. I couldn't -- we couldn't run the  
2 equipment, you know, the rig or anything because  
3 of liability issues. It's basically to keep my  
4 boss informed of what was going on.

5 Q. Okay. And would you agree with me if I  
6 said that then part of your job there was to  
7 protect Smith's equipment, sort of making sure  
8 that the client wasn't operating outside  
9 parameters, and if they did, they understood the  
10 ramifications of that, that they might be  
11 financially responsible, that sort of thing?

12 MR. ST. PE':

13 I'm going to object to the form.  
14 It's a compound question. It's concluding and  
15 misleading. You do that a lot with these  
16 compound questions. Most of them are not as  
17 misleading, but that's terrible, but you can go  
18 ahead and answer if you understand the question.

19 THE WITNESS:

20 I forgot the question.

21 BY MR. BOWDLER:

22 Q. Sure. Just would it be fair and would  
23 you agree with me if -- with the statement of  
24 part of your role on the rig was to make sure  
25 that the customer didn't operate Smith's tools in

1 a way that would damage the tools?

2 MR. ST. PE':

3 Object to the form. It's  
4 misleading, mischaracterizes his earlier  
5 testimony.

6 THE WITNESS:

7 What I done, like I said, I took  
8 down the parameters, and in the mornings, I'd  
9 send my report in so they would see how much  
10 weight, RPMs, and all we were running on the  
11 tools, what kind of -- if I knew what kind of  
12 formations we were drilling in, I would give that  
13 to them. Most of the time, we didn't know. It  
14 just depends on what rig you was on if you could  
15 get that information, you know.

16 BY MR. BOWDLER:

17 Q. Okay. So just what I'm trying to get a  
18 sense of, Mr. Kemp, is just, you know, why were  
19 you there? You know, why were you there on the  
20 rig? Why was, you know, the customer paying  
21 Smith for your services?

22 A. They were making money off of us.  
23 That's why we were there. They were charging  
24 twice what they was paying us.

25 Q. Okay. And then I guess just to



1 clarify, when you say making money, that was  
2 Smith that was making money?

3 A. Yes.

4 Q. Okay. Do you know that -- do you know  
5 whether when a client, one of Smith customer's,  
6 apologies, would use a reaming tool, were they --  
7 was it required that you go and be on the rig  
8 while they use the tool, again, if you know?

9 A. It was at one time, and then it was  
10 wasn't. It was more or less strictly up to the  
11 customer --

12 Q. Okay.

13 A. -- in the later part.

14 Q. And do you happen to recall the time  
15 period when it became up to the customer?

16 A. No, sir.

17 Q. Okay. While on a job out on the  
18 drilling rig, what were, if any, the manual labor  
19 tasks that you were required to perform?

20 A. As far as the manual labor was the  
21 strapping our tools, getting -- it depends on the  
22 -- if it was a whipstock job, there was a lot of  
23 components to that whipstock job. A reaming job,  
24 you know, you just got one or two components to  
25 hit, but strapping them and getting -- when we

1     picked them up, whatever time it was and getting  
2     them made up in the correct spot and the correct  
3     position and making sure the floats and stuff was  
4     in them, and once the tools were picked up,  
5     inspected them, make sure nothing happened in  
6     transit.

7           Q.     Okay. Anything else?

8           A.     I can't think of anything.

9           Q.     Okay. And if you would, just, again,  
10     kind of generally with measuring, strapping the  
11     tools, rough idea of how much time that took?

12          A.     It depends on the size of the tool and  
13     when it was available. You would go out there  
14     with a crane crew, and you could get it done in  
15     four or five hours, and then if they were doing  
16     other stuff in between, you may be out there for  
17     a day or so, you know.

18          Q.     Okay. When you say you may be out  
19     there a day or so, is that -- that day or so, are  
20     you waiting for the crane to be available or --

21          A.     Yes.

22          Q.     Okay. And then if you would, just  
23     literally just the measuring of the tools,  
24     approximately, and, again, general idea,  
25     understanding it's going to vary, about how much

1 time does that take?

2 A. Two to three hours.

3 Q. Okay. And what's -- my question is why  
4 are you -- why would you -- were you required to  
5 measure the tools when you arrived on the rig?

6 A. Everything is -- that goes in the hole  
7 is measured. You got to know where you're at.  
8 Plus, also, that's when you're performing your  
9 inspection; one, make sure you got the right tool  
10 to start with and make sure it's not damaged and  
11 the tool has the right components on it --

12 Q. Okay.

13 A. -- right threads and whatever.

14 Q. Okay. And when the part of -- when you  
15 mentioned when you're making up and picking up  
16 the tool getting, you know, getting the reamer on  
17 the correct position, when you were -- you know,  
18 the times when you were doing those tasks, the  
19 rig crew wasn't doing it, about how much time  
20 does that process take? How much time did you  
21 spend on that?

22 A. Say that again.

23 Q. Sure. The part where you were -- you  
24 would make up and pick up the tools,  
25 approximately, how long did that take when you

1     were -- those rigs where you had to perform -- do  
2     those things?

3           A.     It may would take three, four hours,  
4     and it could take 12 hours. It depended on the  
5     efficiency of the rig crew and the ability for  
6     them to handle the size tools that we had. If it  
7     was a big tool with a small rig, it took a long  
8     time, and experience of the drill crew, too.

9           Q.     And when the BHA was being assembled,  
10    was it the rig crew who was like literally  
11    screwing on stage by stage, or, again, is that,  
12    sort of going back to what you said earlier, some  
13    rigs you were involved and did those?

14          A.     If the reamer was out there, I was out  
15    there with them, and the other components, they  
16    made up their-selves.

17          Q.     Okay.

18          A.     The whole time the BHA was made up, we  
19    were up there.

20          Q.     Okay. And I believe you also mentioned  
21    a task of making up some floats in this --

22          A.     We call it a float.

23          Q.     Yeah. Just what was involved with  
24    that? You know, what were you -- I guess what  
25    does that mean to be making up one of the floats?

1           A.       All it is is when they come out, the  
2       placement of the float's decided on by the  
3       company man, the drill crew, and we put them in  
4       our tools. What that does is prevent pressure  
5       from coming past there. You had to make sure you  
6       had the right float.

7           Q.       Okay. And I guess was that part of the  
8       process of when you were making up the BHA, or  
9       was that done after the fact or before?

10          A.       That was the process of making it up.

11          Q.       Okay.

12          A.       Also, if we had other components in the  
13       drill string, you know, we had to make them up,  
14       too, where it was like a Rhino stabilizer or  
15       whatever.

16          Q.       Okay. And then just lastly, you had  
17       mentioned that the last task involved, making  
18       sure nothing happened to the reaming tool in  
19       transit and a manual labor task and, again, what  
20       did that involve? What were you doing for that  
21       task?

22          A.       Physically inspecting it, if it didn't  
23       get dropped by a crane or beat up.

24          Q.       Okay. So I guess were you observing  
25       the rig crew I guess picking up the tool, making

1     sure they didn't do anything to damage the tool?

2           A.     Yes.    Right.

3           Q.     Okay.   And in your experience with  
4     Smith, did you ever have any instances where  
5     while observing the rig crew picking up the tool  
6     that they were doing something that you thought  
7     would potentially damage or harm the underreaming  
8     tool?

9           A.     Not my tool.

10          Q.     Okay.

11          A.     I seen them drop another tool.   I  
12     reported it, because when they took it apart on  
13     the rig floor, it fell in pieces, and they was  
14     wondering why.   I didn't make no friends that day  
15     because they're sure not going to tell anybody.

16          Q.     And so kind of I guess overall, the  
17     manual labor tasks that you were required to  
18     perform, were they necessary, a necessary part of  
19     you being able to do your job as a reamer hand?

20          A.     Yes.    We had to strap the tools,  
21     inspect the tools, and the other components.  
22     When we laid them down, we had to inspect them  
23     and grade them, prepare them for shipping.   As  
24     far as the tools come out the strap most of the  
25     time and aren't strapped down, and we had to

1 strap them back down for shipment.

2 Q. Okay. And so, roughly speaking, around  
3 what percentage of time did your job involve  
4 performing manual labor tasks?

5 A. 10 percent, 15.

6 Q. Okay. And kind of fast-forwarding a  
7 little bit and while the drilling operations are  
8 going on and the rig crew's drilling ahead, where  
9 are -- I guess just physically on the rig, where  
10 are you working from? Where are you stationed,  
11 for lack of a better word?

12 A. Most of the time, either sitting behind  
13 the driller or sitting where I can see a monitor  
14 on the rig floor.

15 Q. Okay. And during that time when are  
16 you -- you're observing I guess the different  
17 measurements and parameters that are on the  
18 monitors so you can see what the driller is  
19 doing?

20 A. Yes.

21 Q. Okay. And you had also mentioned  
22 before that you would talk with the driller  
23 about, you know, what the parameters were for the  
24 tool on that job, and while you were observing,  
25 was that -- I'm trying to think. I apologize.

1 When you were -- when you would tell the driller  
2 about the parameters, was that a, for lack -- I'm  
3 trying to think, sort of a constant thing that  
4 was going on? You would say, okay, now that  
5 you're at this stage of the well, here are your  
6 parameters, or did the driller kind of already  
7 know for the course of the well what the  
8 parameters were and you were just, you know,  
9 checking behind him, or was it more of a constant  
10 dialogue between the two of you?

11 A. It was probably more of a -- I would  
12 give him the prior parameters, and then if they  
13 went through sand or something, I would remind  
14 him that, you know, the reamer's going to be  
15 entering the sand at such and such depth, what to  
16 do before it got there as far as, you know,  
17 reducing to the parameters that we had prior  
18 agreed to.

19 Q. And then I believe as you said then,  
20 despite those being the parameters, if the  
21 company man wanted to, he could say, no, I want  
22 to operate outside those parameters for either  
23 this one segment or for the entire drilling  
24 operations, correct?

25 A. Yeah. There was some. There was ROP;



1 I saw a greater penetration. That's all they  
2 wanted.

3 MR. ST. PE':

4 Bryan, let me know when you get  
5 to a spot where you can take a break.

6 MR. BOWDLER:

7 Yes. This is fine. We can go  
8 ahead and take a break right now.

9 MR. ST. PE':

10 Okay. About ten minutes.

11 MR. BOWDLER:

12 About ten minutes, okay.

13 MR. ST. PE':

14 We'll come back about 3:15?

15 MR. BOWDLER:

16 Sounds good.

17 (Brief recess taken.)

18 BY MR. BOWDLER:

19 Q. And, Mr. Kemp, for your job duties  
20 while drilling operations were ongoing that you  
21 had discussed, how often did you perform those  
22 duties while on the job? Was it once or twice a  
23 week, or was it most of the time, you know, that  
24 sort of thing?

25 MR. ST. PE':

1 I'm going to object to the form  
2 of the question. It's unclear about what job  
3 duties you're referring to.

4 BY MR. BOWDLER:

5 Q. While drilling operations were ongoing,  
6 as you said, you were observing the driller and  
7 informing him of what the parameters were for the  
8 underreaming tool.

9 A. I was writing in my book every 30  
10 minutes unless they changed; I'd make a note of  
11 that.

12 Q. You mentioned as well in addition I  
13 think, you know, you were writing down the  
14 different parameters in your book, and I believe  
15 you had stated earlier, you also -- part of the  
16 job you had to fill out a report with that  
17 information that you were recording; is that  
18 correct?

19 A. Yes.

20 Q. Okay. And the report, I believe that  
21 typically was referred to in part of a larger  
22 document the operator's resumi?

23 A. I guess morning report, operator's  
24 resumi, I guess it's about the same.

25 Q. Okay. And for whom was this report

1 prepared? Was it for -- were you preparing it  
2 for your managers, supervisors back in the  
3 office?

4 A. It just depended. On different jobs,  
5 different people was required or wanted to get  
6 it. Most of them were Schlumberger people, but,  
7 you know, it would be my immediate supervisor and  
8 his boss, drilling engineers.

9 Q. And if you know, why was it the  
10 individuals who received your report, again, if  
11 you know, why did they want to get this  
12 information that you were recording?

13 A. That's their job to find out what was  
14 going on and what all was taking place. They're  
15 the ones that planned the jobs.

16 Q. And do you know or do you have any  
17 knowledge about how the individuals received your  
18 report used the information recorded in it?

19 A. No.

20 Q. Okay. The reports that you kept, if  
21 you know, were they also provided to the  
22 customer?

23 A. No.

24 Q. Okay.

25 A. Not by me.

1 Q. Okay. And I guess and you don't know  
2 from there if anyone else provided it to a  
3 customer?

4 A. No.

5 Q. Okay. And you had mentioned as well  
6 part of your job was when the reaming tool would  
7 come out of the hole, that you would then inspect  
8 the tool and grade it, correct?

9 A. Yes.

10 Q. And if you know, what was the reason  
11 why you would perform this inspection and  
12 grading?

13 A. It would show the wear on the tool,  
14 whether it was in gauge, out of gauge, whether  
15 the customer had a full gauge hole or if the  
16 reamer was wore out and it didn't -- it didn't --  
17 they didn't have a full gauge, you know, and,  
18 like I said, that was part of the -- what I  
19 considered the physical part of the job was like  
20 picking it up and laying it out and strapping it  
21 all out. That was the 10 to 15 percent. If you  
22 classify what all I done, you know, that would be  
23 70 to 80 percent but --

24 Q. And --

25 A. And lot of people --

1 Q. Go ahead. I'm sorry.

2 A. A lot of people have a different  
3 definition on physical labor, you know.

4 Q. Sure. Sure. And -- sorry. I'm sorry.  
5 Go ahead. Please finish.

6 A. And, like I say, whether you're using a  
7 wrench or pushing a pencil, you know, that could  
8 be classified as the same thing.

9 Q. Okay.

10 A. Go ahead.

11 Q. Sure. And you said that one of the  
12 items when you were inspecting it was looking for  
13 -- looking if the tool was in gauge or out of  
14 gauge, and if you would, I guess with that, would  
15 that be information I guess for the client to  
16 know, hey, look, based on what I saw, the reamer  
17 should have enlarged the hole what we were  
18 thinking or planning as it should have, or, you  
19 know, it didn't quite engage all the way so I  
20 don't think we accomplished what we were setting  
21 out to do? Was that what that part of the  
22 inspection means, or was it something completely  
23 different?

24 A. Yeah. Besides me, the company man,  
25 they were always there, the directional drillers,

1 were all looking at the reamers, the bits, and,  
2 you know, the other components, stabilizers to  
3 see what wear and whether they actually had a  
4 true hole or not, you know, if everything was in  
5 gauge. Everything was inspected when it come out  
6 of the hole as far as the BHA.

7 Q. Okay. And when you inspected the tool  
8 and did the grading, is that something else that  
9 you recorded in the reports that you were keeping  
10 on the job?

11 A. Yes.

12 Q. And if you know, what, if anything, did  
13 Smith use that information for I guess other than  
14 as you were talking about with looking to see if  
15 they had, you know, the true gauge of the well  
16 bore? Do you know if Smith used that information  
17 for anything else?

18 A. I don't know.

19 Q. Okay. And you said one of the things  
20 that you did when you would show up on the rig  
21 was you would inspect the tools making sure that  
22 what was sent to you was the correct tool and  
23 that you had everything that you needed, correct?

24 A. Yes.

25 Q. Okay. And if you were missing an item

1 or you had the incorrect tool sent to you, would  
2 you then coordinate with your supervisor about  
3 getting the correct item sent out to the rig?

4 A. Yes, immediately.

5 Q. And after that initial inspection and  
6 check to make sure that you had what you needed,  
7 as the job progressed, did you ever have -- that  
8 was confusing. Going forward, would you then  
9 ever have other instances where you had to  
10 coordinate with your manager to get additional  
11 equipment sent out to the rig, because as just an  
12 example, one part you thought was going to get  
13 worn out and for the next segment you would need  
14 a new one, anything like that?

15 A. I would inform them like when we were  
16 finishing a section, we'd need the tools for the  
17 next section --

18 Q. Okay.

19 A. -- which would be different sizes.

20 Q. And the Smith's customers for whom you  
21 provided services to and worked on on those rigs,  
22 they were oil and gas development companies; is  
23 that correct?

24 A. Most of them, yes. I did a few storage  
25 facilities jobs.

1 Q. Okay. And so for those, the storage  
2 facility jobs, who were Smith's customers for  
3 those jobs?

4 A. I don't know if I can tell you that.

5 Q. You're not allowed? Sorry. Go ahead.

6 A. US Government.

7 Q. Oh, it was the US government, okay.

8 A. I'd have to kill you.

9 Q. I get enough of that from my sister  
10 so ...

11 Do you happen to recall the approximate  
12 time period of the storage facility jobs?

13 A. No.

14 Q. Okay. And putting to one side those  
15 storage facility jobs, Smith's customers that  
16 were using the underreaming tools, their, if you  
17 know, business was to drill and hopefully create  
18 a well that would produce oil or natural gas,  
19 correct?

20 A. Yes. Uh -- yes.

21 Q. And then I believe as you said earlier,  
22 and please correct me if I'm wrong, but while the  
23 drilling operations were going on, you yourself  
24 were not controlling the BHA or the drill string;  
25 is that correct?



1 A. Yes.

2 Q. I apologize. I drew a blank there.  
3 And your role as part of the client's drilling  
4 operation, as you said, you were there in  
5 connection with the operation of the reaming tool  
6 and among other things making sure that the  
7 driller operated the reaming tool within  
8 parameters; is that correct?

9 A. Yeah. I was there observing to make  
10 sure he was staying in there. If he got out,  
11 then I made notes of it.

12 Q. Okay. And then what was, if you were  
13 to classify, the main reason or, you know, the  
14 primary reason that you were there on the rig?  
15 What were kind of your most important job duties,  
16 if you will?

17 A. Getting the tools strapped, ready,  
18 getting the information, just more or less  
19 recording what all took place.

20 Q. With your belief in the lawsuit that  
21 you should have been paid overtime during your  
22 time with Smith, do you also believe that you  
23 should have been paid on an hourly basis while  
24 you were working with Smith?

25 A. Yes.

1 Q. Okay. And is it your understanding  
2 that if you were paid on an hourly basis, that,  
3 for instance, days when you weren't working and  
4 you were in between jobs, that you would have not  
5 been paid for those days, correct?

6 A. If I wouldn't have been working for  
7 Smith, I would be working for somebody else. It  
8 was more a retainer.

9 Q. Have you -- do you have a sense of how  
10 much unpaid overtime compensation that you think  
11 that you're owed?

12 A. No. I know how much time I put in when  
13 I was on the job. That's all I know is just  
14 time.

15 Q. Okay.

16 A. And not -- I mean, I can't spit you a  
17 2,000 hours. No, I can't do that. Just, you  
18 know --

19 MR. BOWDLER:

20 Okay. And let me see. If you  
21 guys can maybe give me five minutes off the  
22 record. I don't think I'm going to really have  
23 much more. I can just flip through real quickly  
24 like five minutes and then see about getting  
25 Mr. Kemp on your way and to the rest of your day.

1 MR. ST. PE':

2 I'm going to have a question just  
3 to clarify something so ...

4 MR. BOWDLER:

5 Okay.

6 MR. ST. PE':

7 So if you want, I can take it now  
8 or however you want to do it.

9 MR. BOWDLER:

10 Yeah. No. If you could just  
11 give me, you know, five minutes, let me flip  
12 through my notes to see if I have anything, and  
13 then we'll -- if not, you can ask what you need  
14 to ask.

15 MR. ST. PE':

16 Okay. Thank you.

17 MR. BOWDLER:

18 Okay.

19 (Brief recess taken.)

20 BY MR. BOWDLER:

21 Q. And so just to wrap up, Mr. Kemp, have  
22 you told me the truth in response to all of my  
23 questions here today?

24 A. To the best of my ability I have.

25 Q. Okay. And is there any of your

1 testimony or any of your answers to my questions  
2 that you feel you need to go back and either  
3 clarify or correct at this time?

4 A. Well, there was one there, and I had  
5 addressed it a little bit, and it was on the  
6 manual labor I think or physical labor, and I  
7 told you 10 to 15 percent. I considered that was  
8 talking about strapping the tools, making the  
9 tools up and laying the tools out, but if you  
10 classify me being on the floor standing, sitting,  
11 walking them drillships, for sure, that was  
12 physical, but you figure all that time in, that's  
13 about 80 percent of the time I was there.

14 I'm kind of an insomnia type person,  
15 and it was 18 to 21 hours a day I was on the  
16 floor. If that tool was in the hole, I was there  
17 most of the time, because as I was told when I  
18 took the job, the only way you're going to know  
19 what happens is if you was there.

20 Q. Okay. And then so just for clarifying,  
21 when you talk about the 80 percent of the job  
22 with being physical, that included your time  
23 either standing or sitting, climbing stairs,  
24 walking around, that sort of thing?

25 A. Yes, as far as back and forth on the

1 drill floor or whatever, you know.

2 Q. Okay. And the 15 percent that you had  
3 mentioned, that was time where, and correct me  
4 please if I'm wrong, you were actually like using  
5 your hands, you know, putting things together,  
6 taking them apart, measuring, using tools, things  
7 like that?

8 A. Yes. It's, you know, more of a  
9 physical type work as far as labor intensified,  
10 pipe wrenches, stuff like that.

11 MR. BOWDLER:

12 Okay. Got it. Thank you for  
13 that, and so, Mr. Kemp, thank you. I don't have  
14 any other questions for you at this time, and I  
15 will go ahead and pass the witness to Mr.  
16 St. Pe'.

17 MR. ST. PE':

18 We don't have any questions, but  
19 we'll reserve reading and signing.

20 MR. BOWDLER:

21 Okay. All right. Well, that's  
22 it. Mr. Kemp, thank you very much for your time  
23 this afternoon. Appreciate it.

24 (Whereupon the deposition was completed at  
25 3:45 p.m.) \* \* \*

WITNESS' CERTIFICATE

I have read or have had the foregoing testimony read to me and hereby certify that it is a true and correct transcription of my testimony with the exception of any attached corrections or changes.

\_\_\_\_\_  
BRENT K. KEMP

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